

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY W. ENDSLEY,

Plaintiff,

No. CIV S- 04-O990 FCD GGH P

vs.

YOLO COUNTY SHERIFF'S DEPT., et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding against in this action against the Yolo County Sheriff's Department and several individual employees of that department. On June 17, 2005, the court ordered plaintiff to send further information as to one of the defendant's, Yolo County Sheriff's Dept. Correctional Officer Banuelos, because process directed to that individual had been returned unserved as "undeliverable." Plaintiff was given 60 days to return the completed USM-285 form as to defendant Banuelos as well as two copies of the endorsed amended complaint filed on October 18, 2004. On June 17, 2005, three of the defendants filed their answer, the County of Yolo, and defendants Fristoe and Gaines.

On August 25, 2005, plaintiff sent a letter asking that his case be dropped until he is out of prison due to apparent difficulties he is having in responding to the court's June 17,

1 2005 order. He seeks dismissal without prejudice of this action; however, plaintiff appears not to  
2 realize that once his action is voluntarily dismissed, he may only proceed by filing a new action.

3 The court will grant plaintiff an additional 60 days to respond to the June 17, 2005  
4 order. If he is unable to access the required information with respect to defendant Banuelos by  
5 way of discovery, the California Public Records Act, Cal. Govt. Code, § 6250, or any other  
6 available means and his access is denied or unreasonably delayed, he may seek judicial  
7 intervention, as he was informed in the court's earlier order on this subject. If he seeks to  
8 proceed only against those defendants who have been served and have answered, he may proceed  
9 in this action and defendant Banuelos can be dismissed without dismissal of the entire action.

10 Should plaintiff seek voluntary dismissal without prejudice of the entire action, he  
11 must so inform the court within 30 days.

12 IT IS SO ORDERED.

13 DATED: 9/12/05

14 /s/ Gregory G. Hollows

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16 GREGORY G. HOLLOWS  
17 UNITED STATES MAGISTRATE JUDGE

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